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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,381	04/13/2004	Mir L. Ali	FER-15402	3359
7609	7590	10/30/2006		
RANKIN, HILL, PORTER & CLARK, LLP 925 EUCLID AVENUE, SUITE 700 CLEVELAND, OH 44115-1405				
			EXAMINER	
			WYROZEBSKI LEE, KATARZYNA I	
			ART UNIT	PAPER NUMBER
			1714	

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,381

Applicant(s)

ALI ET AL.

Examiner

Katarzyna Wyrozebski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/20/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over OGISO (US 5,800,912) in view of ENOMOTO (US 6,953,815).

The prior art of OGISO discloses molding composition for automobile parts such as exterior trim with high exterior trim.

Polymer of OGISO is a polyolefin such as polypropylene with ethylene content of less than 6%. Other polymers include propylene/ethylene block copolymers and random copolymers. The composition also comprises rubber for high impact resistance.

Glitter pigment is selected from aluminum powder, aluminum flake or aluminum foil as preferred embodiment. The particle size of the glitter pigment is up to 500 microns and it is utilized in amount of up to 3 pbw.

Inorganic filler of OGISO is talc and particle size of that utilized in the examples is 2 microns.

Colorants of the prior art of OGISO include phthalocyanine blue, benzidine yellow and these are utilized in total amount of less than 5 pbw.

The difference between the present invention and the disclosure of OGISO is in further disclosure of amount of talc to make basically the same composition.

With respect to the above argument the prior art of ENOMOTO discloses another molding composition for automotive parts.

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The polymer is also polypropylene, propylene/ethylene block copolymers or mixture of the two. The amount of the polymer is in a range of 50-70 pbw, which is also consistent with the prior art of OGISO. The polymer is mixed with elastomeric compound to improve impact resistance of the article.

The inorganic filler in preferred embodiment is talc, having particle size within the same range as that disclosed by OGISO, however the amount of the talc utilized is in a range of 1-50 wt %. Use of talc according to ENOMOTO further gives composition rigidity reinforcing effect, impact resistance and excellent tensile elongation.

The higher amounts of talc give composition that has rigidity reinforcing effect, impact resistance, good outer appearance and excellent tensile elongation.

In the light of the above disclosure it would have been obvious to one having ordinary skill in the art at the time of the instant invention to utilize the amount of talc as taught in ENOMOTO in the disclosure of OGISO and thereby obtain the claimed invention. Use of such amounts of talc would provide functional molding composition that has rigidity reinforcing effect, impact resistance and excellent tensile elongation.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over OGISO (US 5,800,912) and ENOMOTO (US 6,953,815) as applied to claims 1-4, 6 and 7 above, and further in view of SUGIMOTO (US 2005/020892).

The discussion of the disclosure of the prior art of OGISO and ENOMOTO from paragraph 4 of this office action is incorporated here by reference.

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The difference between the present invention and the disclosure of OGISO and ENOMOTO is recitation of claim 5, which is the amount of aluminum glitter pigment.

With respect to the above difference, the prior art of SUGIMOTO discloses molding composition for automotive parts also having metallic appearance, which is essentially the same as the composition of OGISO.

The polymer is also polypropylene, propylene/ethylene block copolymers or mixture of the two. The amount of the polymer is in a range of 50-70 pbw, which is also consistent with the prior art of OGISO. The polymer is mixed with elastomeric compound to improve impact resistance of the article.

The inorganic filler in preferred embodiment is talc, having particle size within the same range as that disclosed by OGISO.

The glitter pigment of SUGIMOTO is either aluminum flake, aluminum powder or aluminum foil. The amount of the metallic pigment is in a range of 1-15 pbw.

Even though the amount of both aluminum flakes and talc in SUGIMOTO is higher than that of OGISO no agglomeration of particles occurred and resulting composition had higher flexural modulus, good flowability as well as impact strength.

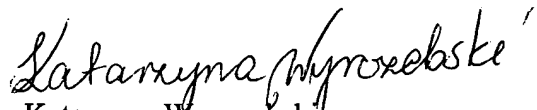
In the light of the above disclosure it would have been obvious to one having ordinary skill in the art at the time of the instant invention to combine the teachings of the prior art of record and thereby arrive at the present invention. Combination of the teachings of record would still produce a molding composition having metallic appearance however; with improved impact resistance, good outer appearance and higher flexural modulus.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Katarzyna Wyrozebski
Primary Examiner
Art Unit 1714

October 25, 2006